

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

ROBERT F. KENNEDY, JR.,

Plaintiff,

v.

Docket No. 1:23-cv-00487

DAVID VICKREY,

Defendant.

**SUPPLEMENTAL DECLARATION
OF DAVID VICKREY**

I, David Vickrey, depose and state under oath as follows:

1. I am over the age of 18 and otherwise competent to make this Declaration.
2. I incorporate herein by reference my Declaration dated October 31, 2023, which I prepared in support of my Motion to Dismiss the above-captioned lawsuit filed by Robert F. Kennedy, Jr.
3. Since 2003, I have published blogs on the *Daily Kos* group blog website under the pseudonym “Downeast Dem.”
4. I have no ownership interest in *Daily Kos*.
5. I have no financial interest in *Daily Kos*.
6. I have never been paid for any content that I have posted to *Daily Kos* since 2003.
7. I have no editorial control concerning the content published on *Daily Kos*, beyond my own blog posts and articles.
8. I have never been involved in any political campaigns organized or funded by *Daily Kos* in the State of New Hampshire.

9. From 2000-2008, I was employed with SkillSoft.

10. During my employment with SkillSoft, the company was headquartered in Dublin, Ireland.

11. During my employment with SkillSoft, the company had an office in Nashua, New Hampshire, and I occasionally interacted with SkillSoft employees located in New Hampshire.

12. In 2008, I ended my employment with SkillSoft.

13. I have done no business with any residents of New Hampshire for over 10 years.

14. I have not solicited business from any residents of New Hampshire for over 10 years.

15. In 2016, I founded Seabridge Advisors, LLC.

16. I operate Seabridge Advisors, a corporate development advisory firm, out of my home in Cape Elizabeth, ME.

17. I currently serve as Managing Principal of Seabridge Advisors.

18. In my role as Managing Principal of Seabridge Advisors, I have never conducted business in New Hampshire.

19. In my role as Managing Principal of Seabridge Advisors, I have never conducted business with residents of New Hampshire.

20. Under FINRA regulations and in my role as Managing Principal of Seabridge Advisors, I must be licensed in every state in which I conduct business.

21. As of the date of this Supplemental Declaration, I am licensed to conduct business in Maine, Pennsylvania, California, New Jersey, Oregon and Georgia.

22. I am not licensed to conduct business in New Hampshire.

23. In or around April 2023, I learned that Mr. Kennedy had announced his intention to run for President of the United States.

24. Following my August 2020 blog post concerning Mr. Kennedy's appearance at an event in Berlin, Germany, I did not write any further blog posts or articles about Mr. Kennedy until May 2023.

25. In May 2023, I received a letter from Attorney Robert Barnes, threatening to file a lawsuit against me in New York federal court concerning my August 2020 blog post.

26. On July 15, 2023, I posted an article concerning the letter that I received from Attorney Barnes. A true and accurate copy of this article is attached to my Supplemental Declaration as Exhibit 1.

27. This article solely concerned Mr. Kennedy's threatened New York lawsuit against me.

28. This article did not discuss New Hampshire in any way.

29. This article did not discuss Mr. Kennedy's presidential campaign in any way.

30. On August 26, 2023, I posted an article concerning a settlement demand that I received from the attorney for Mr. Kennedy. A true and accurate copy of this article is attached to my Supplemental Declaration as Exhibit 2.

31. This article did not discuss New Hampshire in any way.

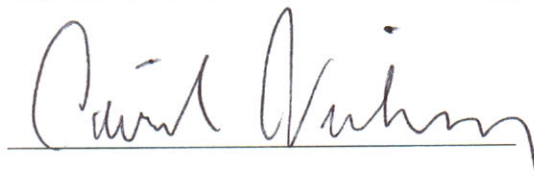
32. This article did not discuss Mr. Kennedy's claimed focus on New Hampshire in his presidential campaign.

33. On September 9, 2023, I posted an article concerning the lawsuit filed against me by Mr. Kennedy in New Hampshire state court. A true and accurate copy of this article is attached to my Supplemental Declaration as Exhibit 3.

34. In this article, I expressed my confusion as to why Mr. Kennedy had sued me in a court in a state where neither Mr. Kennedy nor myself reside. I also expressed my opinion that Mr. Kennedy had elected to sue me in New Hampshire to take advantage of the state's statute of limitations for defamation claims.

35. This article did not reference Mr. Kennedy's presidential campaign, nor his claimed focus on the New Hampshire presidential primary.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 6th DAY OF
DECEMBER, 2023.

A handwritten signature in dark ink, appearing to read "David Vickrey", is written over a horizontal line.

David Vickrey

Exhibit 1

RFK Jr. intends to sue me for defamation for a Daily Kos diary.



by DowneastDem

Community (This content is not subject to review by Daily Kos staff prior to publication.)

🕒 Saturday, July 15, 2023 at 12:07:36p EDT



Recommend Story 1378



414 Comments

414 NEW



In May of this year I received a draft civil complaint from Robert F. Kennedy Jr.'s attorneys that they intend to file in the Southern District of New York. The complaint states that *"Mr. Kennedy files this action to publicly*

establish the truth, to rehabilitate his name and reputation, and to seek appropriate remedies for the harm caused by Defendants' intentionally false statements."

According to the attorneys, Kennedy spent over \$1 million to discover my true identity, and he intends to recover those costs plus damages. (Note: like most DKos users, I never made a concerted effort to conceal my identity. As my username indicates, I am a proud registered Democrat in the Great State of Maine — as Mr. Kennedy no doubts knows.)

DAILY KOS

Cheers at
Wednesday

POSTED 3 HOURS

The complaint dates back to August 2020 when I **posted this diary** concerning a **speech** RFK Jr. made at a massive demonstration in Berlin protesting the (largely successful) anti-Covid restrictions put in place by then-chancellor Angela Merkel. A reporter for Berlin's largest daily newspaper — *Der Tagesspiegel* — was on the scene and I summarized very briefly his excellent piece, which you can still access from my diary link

(note: I am bi-lingual German and follow the German press closely).

Originally, Kennedy filed a complaint against *Daily Kos* for the site to disclose the diarist's (me) identity. That lawsuit is still under appeal in the Appellate Division of the Supreme Court of New York. All relevant documents can be viewed [here](#) and [here](#). Kos deserves this community's support (including financial) for refusing to give into Kennedy and his attorneys.

The draft complaint against me states that the Berlin protest was "*initiated by the group Querdenken — a democratic movement whose name means "lateral thinking" and who vehemently oppose all forms of fascim and extremism.*" This is false.

The **Querdenken** are an anti-democratic, pro-Russia, anti-science group that has been under investigation by the German **Verfassungsschutz** for its ties to right-wing extremist and neo-Nazi organizations. The leader of the *Querdenken* — **Michael Ballweg** — who appears on stage with Kennedy at the Berlin demonstration — has close ties to right-wing extremist groups and was imprisoned last year for fraud and money-laundering.

I am publishing this diary now because Mr. Kennedy is **scheduled to testify next week for Jim Jordan's panel on censorship by the Biden Administration.** This is the height of hypocrisy: Kennedy wants the free rein to express his dangerous vaccine conspiracies while using his vast wealth to abuse the courts to silence me and other critics.

RFK Jr. intends to sue me for defamation for a Daily Kos diary.

Exhibit 2

RFK Jr. threatens DKos diarist: Pay me \$1 million or else!



by DowneastDem

Community (This content is not subject to review by Daily Kos staff prior to publication.)

🕒 Saturday, August 26, 2023 at 7:03:19a EDT



Recommend Story 1055



328 Comments

326 NEW



Last month I **informed the Daily Kos community** about the draft defamation complaint I received from Robert F. Kennedy's attorneys concerning a 2020 post I wrote

about his speech in Berlin that was organized by a right-wing extremist group. He was asking for a “monetary settlement” before filing the complaint in the Southern District of New York. I refused, of course, to discuss any settlement for this ridiculous lawsuit.

Last week Kennedy, through his attorneys, demanded a \$1million settlement from my insurance carrier for “*estimated damages*” in excess of \$1.5 million or he would “*initiate the suit by the end of the month if unable to resolve the matter.*” Exactly what these “damages” are has so far not been explained.

DAILY KOS

Cheers at
Wednesday

POSTED 3 HOURS

Why is he pursuing a defamation against me when major media groups such as The Daily Beast, The National Review, The Washington Post and others have called RFK Jr. a charlatan, an anti-Semite, and other derogatory appellations — far more damaging than anything I wrote? My guess is that he thinks shaking down my insurance carrier would be easier and quicker than going after these large media groups. No doubt he

needs the cash for his “campaign” now that money from his **MAGA Republican donors** has dried up **as his poll numbers plummet**.

Needless to say, this latest threat from RFK Jr. will be ignored.

Exhibit 3

RFK Jr. has filed a lawsuit against me in New Hampshire. Guess who else his attorney represents?



by DowneastDem

Community (This content is not subject to review by Daily Kos staff prior to publication.)

🕒 Saturday, September 09, 2023 at 4:16:34p EDT

★ Recommend Story 649

💬 237 Comments 237 NEW



The Daily Beast has **published an article about RFK Jr.s case against me** and reported the filing:

The draft complaint indicated Kennedy intended to file in New York federal court, though he subsequently requested a jury trial against [blogger] in Rockingham, New Hampshire on Aug. 29, though neither he nor [the blogger] resides there.

×

The filing date is significant, as I'll explain later. RFK Jr.'s attorney — Robert Barnes — is apparently the go-to lawyer for MAGA celebrities. As the Daily Beast points out, Barnes also represents Kyle Rittenhouse. But there's more. Barnes also represented Alex Jones in the lawsuit filled by the parents of the 2021 Sandy Hook school mass shooting.

Actually, there is an awful symmetry in Barne's clients: each of them has gifted \$millions after destroying lives. Rittenhouse killed 2 unarmed BLM protestors with an assault rifle — much to the delight of Tucker Carlson and other right-wing pundits. Alex Jones tortured the Sandy Hook parents, already suffering devastating grief over their dead children, by claiming the massacre was a staged hoax. But RFK Jr. has been the by far the biggest threat to public safety with his dangerous anti-vaxx falsehoods. According to **Center for Countering Digital Hate**, Kennedy has earned \$millions through his Orwellian-named 'Children's Health Defense', with **revenue spiking during the height of the COVID pandemic**. The **independent health research group KFF put out an estimate** of the number of Americans whose COVID-19 deaths could have been prevented through vaccination:

x

This **updated analysis** estimates that at least 234,000 deaths from COVID-19 June 2021 and March 2022 could have prevented with a primary series of vaccinations. These vaccine-preventable represent 60% of all adult COVID-19 deaths since June 2021, when vaccines first became widely available to adults across the country, and a quarter (24%) of the nearly 1 million COVID-19 deaths since the pandemic began.

So what's the significance of August 29? And why New Hampshire? Neither Kennedy nor I resides in the Granite State. Barnes surveyed the statutes of limitation for defamation suits around the US. In nearly every state the statute is one year. New Hampshire is one of only three states where the statute is three years. August 29, 2023 is three years to the date of Kennedy's Querdenken speech in Berlin and my **Daily Kos post**. Three years. That's how long RFK Jr. has been going after me and Daily Kos for a five-sentence recap of a German newspaper article.

